

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WARREN LEE WEISMAN,

Plaintiff,

v.

REBECCA K.C. HERSMAN,

Defendant.

CASE NO. 2:24-cv-00828

ORDER REVOKING IN FORMA
PAUPERIS STATUS

The Ninth Circuit has asked this Court to review Plaintiff Warren Lee Weisman's in forma pauperis (IFP) status. Dkt. No. 17. Having reviewed the Ninth Circuit's referral, the record, and the law governing Weisman's claims, the Court is fully informed. The Court REVOKES Weisman's IFP status for the reasons below.

The Court granted Weisman IFP status on June 26, 2024, Dkt. No. 5, and on the same day, Weisman filed a complaint against Defendant Rebecca Hersman, Agency Director of the Defense Threat Reduction Agency of the U.S. Department of Defense. Dkt. No. 6. The complaint sought a writ of mandamus compelling the Defense Threat Reduction Agency to release \$80,000,000 of government funding to an entity called "Solomon Judicial AI Legal Software Corporation," which appeared

1 to be a “private legal software group” owned and operated by Weisman. Dkt. Nos. 6
2 ¶ 6, 6-2 at 1. While most of the facts and law discussed in the complaint were
3 incoherent and/or facially incredible, the crux of Weisman’s argument seemed to be
4 that the Defense Threat Reduction Agency, under Hersman’s directorship, had
5 failed to fulfill its statutory purpose of preventing nuclear weapon proliferation by
6 refusing to fund a “study” of U.S. nuclear policy by Weisman’s organization. *Id.*

7 On September 18, 2024, the Court reviewed Weisman’s complaint under 28
8 U.S.C. § 1915(e)(B) and found that—even ignoring the implausibility of Weisman’s
9 factual assertions—Weisman failed to state a legal claim on which relief could be
10 granted. Dkt. No. 14. Most of Weisman’s complaint focused on general criticism of
11 U.S. nuclear policy and allegations that the Defense Threat Reduction Agency had
12 wrongly refused to fund Weisman’s study. These grievances identified no legal right
13 violation and presented no justiciable cause of action. The complaint asserted that
14 mandamus relief compelling the distribution of \$80,000,000 in Department of
15 Defense funding to Weisman would “bring the Agency... into alignment with a new
16 Thirtieth Amendment.” Dkt. No. 6 at 7.

17 In this Court’s review, the Court noted that “no Thirtieth Amendment exists”
18 and the “Court cannot grant relief under fictional law.” Dkt. No. 14 at 3. The Court
19 carefully reviewed the requirements for issuance of mandamus relief (*see Cheney v.*
20 *U.S. District Court for the District of Columbia*, 542 U.S. 367, 380 (2004)) and
21 concluded that Weisman’s claim could not plausibly meet those requirements, nor
22 could the complaint’s defects be cured by amendment. *Id.* Accordingly, the Court
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1 dismissed Weisman’s complaint without prejudice under 28 U.S.C. § 1915(e)(2)(B).
2 *Id.*

3 On September 19, 2024—one day after the dismissal order—Weisman filed a
4 notice of appeal. Dkt. No. 15. The notice includes a declaration and application to
5 proceed IFP, certifying Weisman’s lack of income and assets. *Id.* On September 25,
6 2024, the Ninth Circuit referred this matter to this Court to determine whether IFP
7 status should continue on appeal. Dkt. No. 17. A litigant will lose their IFP status
8 on appeal if their appeal is frivolous or taken in bad faith. 28 U.S.C. § 1915(a)(3); *see*
9 *also Hooker v. Am. Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). A frivolous claim is
10 one that “lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490
11 U.S. 319, 325 (1989).

12 Weisman’s complaint stated no legal claim on which relief may be granted—
13 instead, it offered only generalized grievances about U.S. nuclear policy, rooted in
14 the alleged refusal of the Defense Threat Reduction Agency to give Weisman tens of
15 millions of dollars for a “study” of its operations. This Court validly dismissed the
16 complaint for failure to state a claim. Weisman’s notice of appeal does not indicate
17 the basis for his appeal. This Court cannot speculate about Weisman’s contentions
18 regarding its legal errors. Nevertheless, the Court concludes that, given the clearly
19 irremediable defects in Weisman’s complaint, Weisman’s appeal lacks an arguable
20 basis in fact or law; it is therefore frivolous.


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1 For the reasons above, the Court finds that Weisman's appeal is frivolous and
2 ORDERS that Weisman's IFP status be REVOKED under 28 U.S.C. § 1915(a)(3),
3 resolving the Ninth Circuit's Referral at Dkt. No. 17.

4 Dated this 26th day of September, 2024.

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6 Jamal N. Whitehead
7 United States District Judge
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